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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**  
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9 DELBERT M. GREENE, )  
10 Plaintiff, ) 3:07-cv-00474-LRH-VPC  
11 vs. )  
12 DWIGHT NEVEN, *et al.*, ) **ORDER**  
13 Defendants. )  
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16 This is a prisoner action brought pursuant to 42 U.S.C. § 1983. On July 14, 2011, this court  
17 granted defendants' motion to dismiss without prejudice (docket #100). Plaintiff filed a notice of appeal  
18 on July 28, 2011 (docket #102).

19 On August 3, 2011, the Ninth Circuit Court of Appeals referred this matter to this court for the  
20 limited purpose of determining whether *in forma pauperis* status should continue for the appeal or  
21 whether the appeal is frivolous or taken in bad faith (docket #106). Accordingly, this court certifies that  
22 any *in forma pauperis* appeal from its Order would not be taken "in good faith" pursuant to 28 U.S.C.  
23 § 1915(a)(3). *See Coppedge v. United States*, 369 U.S. 438, 445 (1962); *Gardner v. Pogue*, 558 F.2d  
24 548, 550 (9th Cir. 1977) (indigent appellant is permitted to proceed *in forma pauperis* on appeal only  
25 if appeal would not be frivolous).

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1           **IT IS THEREFORE ORDERED** that this court **CERTIFIES** that any *in forma pauperis*  
2 appeal from its Order dated July 14, 2011 (docket #100) would not be taken “in good faith” pursuant  
3 to 28 U.S.C. § 1915(a)(3).

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5           DATED this 22nd day of August, 2011.

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LARRY R. HICKS  
9           UNITED STATES DISTRICT JUDGE

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